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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,881	02/02/2001	Sunny Behl	033129-056	3958

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EXAMINER

CHERVINSKY, BORIS LEO

ART UNIT PAPER NUMBER

2835

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/775,881

Applicant(s)

BEHL, SUNNY

Examiner

Boris L. Chervinsky

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9</u> | 6) <input type="checkbox"/> Other:  |

### **DETAILED ACTION**

The examiner acknowledges the submission of the amendment filed on 09/11/02. At this time claim 8 has been amended, claims 14-20 are newly added claims. Thus, claims 1-20 are pending in the instant application.

#### ***Information Disclosure Statement***

1. The information disclosure statement filed 09/16/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The submission of the optical disk with pertinent publication is unacceptable, but Examiner has considered references listed at this time and the optical disk has been placed in the application file.
2. Winotek's internet site [www.winotek.com](http://www.winotek.com) listed in 1449 has not been considered because there is no publication date and there is no affidavit stating that the reference is a Prior Art dated before the invention.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 5, 6, 13, 14, 17, 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang.

Chang discloses a device for removably mounting a hard disk drive in a memory storage housing comprising a carrier 50 for holding a hard disk, the carrier having rails to be slidably mounted in the memory storage device 30, a face plate 70, a fan 77 and a handle mounted on the face plate, a heat sink 60 slidably mounted on the carrier 50.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Lin, 036.

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Chang discloses the claimed invention except a filter being mounted on the face plate.

Lin discloses the removable filter mounted on the face plate to filter air. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to have filter as disclosed by Lin in the structure disclosed by Chang to provide clean cooling air into the housing.

7. Claims 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Wyler or, as an alternative, in view of Ende.

Chang discloses the claimed invention, as shown above including grid on the carrier<sup>57</sup> and on the heat sink 62 but does not show fins. Wyler discloses the carrier for the hard disk drive including fins 42. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include fins mounted on the carrier and the heat sink and being aligned with respect to the fan as disclosed by Wyler or Ende in the structure disclosed by Chang for efficient heat dissipation.

8. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Wyler and further in view of Lin ,036.

Chang discloses the claimed invention, as applied to claims 7 and 8, except the face plate and the filter. Lin discloses the removable filter mounted on the face plate to filter air. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to have filter as disclosed by Lin in the structure disclosed by Chang to provide clean cooling air into the housing.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris L. Chervinsky whose telephone number is 703-308-5429. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-5115.

**BORIS CHERVINSKY**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "Boris L. Chervinsky", written in a cursive style.

October 21, 2002